

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

REEBOK INTERNATIONAL LTD.,)
)
Opposer,)
)
v.)
)
MARK J. MORMAR,)
)
Applicant.)
)

Opposition No. 91163810

**OPPOSER'S MOTION FOR JUDGMENT BY DEFAULT AND
SUSTAINING OF OPPOSITION IN VIEW OF APPLICANT'S
FAILURE TO COMPLY WITH DISCOVERY ORDER**

Pursuant to 37 C.F.R. § 2.120(g), Rule 37(b)(2), Federal Rules of Civil Procedure, and TBMP § 527, Opposer Reebok International Ltd. ("Reebok") moves for judgment by default and sustaining of the opposition filed against the application of Applicant Mark J. Mormar ("Mormar") in view of Applicant's failure to comply with the Board's discovery order mailed March 9, 2006. In support of its motion, Opposer submits the accompanying *Declaration of Larry C. Jones* and the following argument.

With the previously filed *Opposer's Motion To Compel Applicant's Responses To Opposer's First Set of Discovery Requests*, Reebok attached copies of Opposer's first sets of interrogatories and requests for production. Those discovery requests were served, as reflected in each Certificate of Service incorporated therein, by mail on March 7, 2005. Accordingly, the responses of Applicant Mormar were due 35 days later, *i.e.*, on April 11, 2005. No responses were served on or before that date, and no responses were received at anytime thereafter.



In an order mailed March 9, 2006, the Board granted Reebok's motion and ordered, *inter alia*, that Mormar serve his full and complete responses to Reebok's discovery requests, without objection, within twenty (20) days of the mailing date of such order. Mormar failed to comply with the Board's order. In fact, Mormar served no discovery responses whatsoever.

Accordingly, Opposer Reebok requests that the Board enter judgment by default against Applicant Mormar and sustain the subject opposition.




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Attorneys for Opposer,
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB - NO FEE, Commissioner for Trademarks, P.O.. Box 1451, Alexandria, VA 22313-1451 on April 4, 2006.

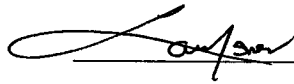


Larry C. Jones

CERTIFICATE OF SERVICE

I certify that the foregoing *Opposer's Motion for Judgment by Default and Sustaining of Opposition in View of Applicant's Failure to Comply With Discovery Order* and the accompanying *Declaration of Larry C. Jones* have been served on Applicant by sending copies of same by first-class mail, postage prepaid, addressed as follows on the 4th day of April, 2006, to:

Mark J. Mormar
167 Route 301
Cold Spring, NY 10516



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DECLARATION OF LARRY C. JONES

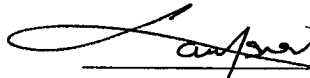
I, Larry C. Jones, declare as follows:

1. I am counsel of record in this opposition proceeding for Opposer Reebok International Ltd. ("Reebok").

2. I and my law firm have not received any responses to the discovery requests propounded and served on behalf of Reebok in this proceeding.

3. I declare under penalty of perjury that the foregoing is true and correct.

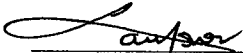
Signed this 4th day of April 2006.



Larry C. Jones

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB - NO FEE, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on April 4, 2006.



Larry C. Jones